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May 1, 2014

The Honorable Denise L. Cote
United States District Judge
Daniel P. Moynihan U.S. Courthouse
New York, New York 10007-1312

Re: Lavoho, LLC v. Apple Inc. et al., Case No. 14-CV-1768 (DLC)

Dear Judge Cote:

On April 23, 2014, the plaintiff in the above-entitled action filed a first amended complaint (Dkt. 41). On April 29, the first amended complaint was rejected, and plaintiff received a "notice to attorney regarding deficient amended complaint" with instructions to re-file. Because 21 days have elapsed since we served the complaint, we have obtained written consent from all defendants to file a first amended complaint under Federal Rule of Civil Procedure 15(a)(2), provided that the only change in the first amended complaint is to substitute the named plaintiff, Lavoho, LLC, for the real party in interest, Diesel eBooks, LLC. As I stated in my prior letter dated April 23 (Dkt. 40), that is the only change.

On April 1, 2014, the Court so ordered a stipulation between plaintiff and the Publisher Defendants (Dkt. 21), and on April 4, 2014, the Court so ordered a stipulation between plaintiff and Apple (Dkt. 23). The parties intend that these stipulations, including the defendants' time to respond to the first amended complaint, apply to the first amended complaint.

Respectfully submitted,

/s/ Maxwell M. Blecher
MAXWELL M. BLECHER

cc: All counsel of record

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